IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3145 OF 2006

Sanjay Vinayak Bhavsar ...Applicant

V/s.

The State of Maharashtra & Anr. ...Respondents

Ms.Ashwini Hosing i/b. A.V. Chatuphale for Applicnat.
Mr.Y.S. Shinde APP for the State/Respondent No.1.

CORAM : V.M. KANADE, J.

DATED : 17th SEPTEMBER, 2007.

P.C:-

1. Heard learned counsel for the Applicant and learned APP for the State.

2. The Appellant is challenging the order passed by the Additional Sessions Judge, dated 10/08/2006 who was pleased to cancel the bail which was granted to the Applicant by the Trial Court.

3. A complaint was filed against the office bearers of Vrushali Shilp Co-operative Housing Society by a member of the Society in which it was alleged that the Chairman, Secretary and members of the Society had misappropriated huge sums and funds of the Society. It is alleged in the complaint that the present Applicant was appointed to convene the Annual

General Meeting of the Society by the Deputy Registrar of Co-operative Society. It is submitted that the Applicant prepared balancesheet of the Society without obtaining prior sanction of the Deputy Registrar. Sessions Court cancelled the bail which was granted to the Applicant primarily on the ground that certain documents were not tendered by the Applicant herein.

4. Learned counsel for the Applicant submits that the custody of Applicant is not necessary and that he was appointed merely to assist the Complainant and other members and accordingly, he had convened the Annual General Meeting and had audited accounts.

5. From the affidavit in reply which is filed by the Police Inspector Borivali Police Station, it appears that all the documents have been seized. Under these circumstances, in my view, custody of the Applicant is no longer necessary. Investigation is almost over. Chargesheet is likely to be filed within a short time. Hence, impugned order is set aside. The Applicant be released on bail on the same terms and conditions which are imposed by the Trial Court. The Applicant, however, shall furnish fresh bonds. Application is allowed in above terms and disposed of accordingly.

V.M. KANADE, J.